



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

P.O. BOX 25201, RALEIGH, NC 27611-5201

CERTIFICATION OF RULEMAKING

Certifying Agency: Department of Transportation					
Action:	<input checked="" type="checkbox"/>	Adoption	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Repeal
Statutory Authority: 136-54, 136-30, 20-141, 20-141.					
Public Hearing Not Required For This Action Under: GS 150A-1, 20-1.					
Rule Summary: Municipal Speed Zones, Rural Speed Zones, Route Changes.					
Circumstances Requiring Rule Adoption, Repeal: Necessary for public safety and welfare.					
Effective Date: April 18, 2011					

April 18, 2011

DATE


OFFICER SIGNATURE

James. K. Lacy, P.E.

TYPED NAME

State Traffic Engineer

TITLE

Municipal Speed Zones

The Board of Transportation has delegated to the Secretary of Transportation the authority to adopt and promulgate all rules and regulations and ordinances regulating traffic on the highways pursuant to authority of N.C.G.S 143B-350 (g) (see 19ANCAC 4A.0004).

The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to adopt and promulgate all necessary rules, regulations and ordinances for the use of and to police traffic on state highways, and to set, change, or extend route numbers on the Primary Highway System of North Carolina pursuant to authority of N.C.G.S 143B-350(g) (see 19ANCAC 4A.0004).

Pursuant to that delegation, the State Traffic Engineer hereby adopts and promulgates the following ordinances based on traffic and engineering studies performed by the Traffic Engineering Branch, Department of Transportation, and in accordance with General Statute 20-141.

COUNTY CRAVEN

DIVISION 2

RESCIND THE FOLLOWING

County / Municipality	Ordinance Number	Route	Car Spd Lmt	Trk Spd Lmt	Description
CRAVEN NEW BERN	1009899	US 70BUS	25	25	US 70 Business-NC 55 (Broad Street) from Queen Street (0.27 mile west of SR 1403), eastward to South Front Street, a point 0.05 mile north of the Trent RiverBridge.

Rural Speed Zones

The Board of Transportation has delegated to the Secretary of Transportation the authority to adopt and promulgate all rules and regulations and ordinances regulating traffic on the highways pursuant to authority of N.C.G.S 143B-350 (g) (see 19ANCAC 4A.0004).

The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to adopt and promulgate all necessary rules, regulations and ordinances for the use of and to police traffic on state highways, and to set, change, or extend route numbers on the Primary Highway System of North Carolina pursuant to authority of N.C.G.S 143B-350(g) (see 19ANCAC 4A.0004).

Pursuant to that delegation, the State Traffic Engineer hereby adopts and promulgates the following ordinances based on traffic and engineering studies performed by the Traffic Engineering Branch, Department of Transportation, and in accordance with General Statute 20-141.

COUNTY CRAVEN

DIVISION 2

RESCIND THE FOLLOWING

County / Municipality	Ordinance Number	Route	Car Spd Lmt	Trk Spd Lmt	Description
CRAVEN	1010082	US 70BUS	45	45	From US70 Bypass, northward to the southern corporate limits of New Bern at theTrent River. (Correction of road number)
CRAVEN	1052395	US 70BUS	35	35	On US 70 Business, from a point 0.06 mile north of SR 1004 northward to the New Bern City Limits, a point 0.49 mile north of SR 1004.

Route Changes

The Board of Transportation has delegated to the Secretary of Transportation the authority to adopt and promulgate all rules and regulations and ordinances regulating traffic on the highways pursuant to authority of N.C.G.S 143B-350 (g) (see 19ANCAC 4A.0004).

The State Traffic Engineer is subdelegated the authority by the Secretary of Transportation to adopt and promulgate all necessary rules, regulations and ordinances for the use of and to police traffic on state highways, and to set, change, or extend route numbers on the Primary Highway System of North Carolina pursuant to authority of N.C.G.S 143B-350(g) (see 19ANCAC 4A.0004).

Pursuant to that delegation, the State Traffic Engineer hereby adopts and promulgates the following ordinances based on traffic and engineering studies performed by the Traffic Engineering Branch, Department of Transportation, and in accordance with General Statute 136-30, 136-54.

COUNTY CRAVEN

DIVISION 2

DECLARE THE FOLLOWING

County	Ordinance Number	Route	Long Description
CRAVEN	1061978	SR 1395	Add SR 1395 to replace existing US 70 Business (MLK Boulevard) between US 17, US 70 and NC 55 (Neuse Boulevard). Project U-4755.
CRAVEN	1061979	US 70BUS	Delete existing US 70 Business (MLK Boulevard) and replace with SR 1395 between US 17, US 70 and NC 55 (Neuse Boulevard). Project U-4755.
CRAVEN	1061980	US 70BUS	Delete existing US 70 Business and retain existing NC 55 between NC 55 (Neuse Boulevard) and NC 55 (First Street). Project U-4755.
CRAVEN	1061981	US 70BUS	Delete existing US 70 Business (E. Front Street) from the State Highway System between Broad Street and US 17, US 70, NC 55. Project B-2532.
CRAVEN	1061983	US 70BUS	Delete existing US 70 Business (Broad Street) from the State Highway System between NC 55 (First Street) and E. Front Street. Project U-4755.

The foregoing Highway Traffic Ordinances are hereby adopted in accordance with the General Statutes of North Carolina (136-54, 136-30, 20-141, 20-141).

All the actions to the Highway Traffic Ordinances herein adopted are effective April 18, 2011 and are identified as follows:

ORDINANCE TYPE	ADOPT	REPEAL
Municipal Speed Zones	0	1
Rural Speed Zones	0	2
Route Changes	5	0
Total	5	3

The Division Engineer for each affected Division shall cause to be erected appropriate signs indicating the action of the State Traffic Engineer and these ordinances shall be in full force and effect from and after the erection of such signs.

April 18, 2011

DATE



OFFICER SIGNATURE

James. K. Lacy, P.E.

TYPED NAME

State Traffic Engineer

TITLE

**Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1009899

Division: 2 **County:** CRAVEN **Municipality:** NEW BERN

Type: Municipal Speed Zones

Road: US 70B **Car:** 25 **MPH** **Truck:** 25 **MPH**

Description: US 70 Business-NC 55 (Broad Street) from Queen Street (0.27 mile west of SR 1403), eastward to South Front Street, a point 0.05 mile north of the Trent River Bridge.

Municipal Certification

I, Veronica E. Mattacks, Clerk of City of New Bern, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the 8th day of March, 2011, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: 34-A Page: _____ Ordinance/Resolution Number: 94-A

In witness whereof, I have hereunto set my

hand and the municipal seal this 8th day
of March, 2011.

(municipal seal)

Veronica E. Mattacks
(signature)

Division: [Signature] Department of Transportation Approval Title: Dir. Traffic Eng. Date: 3/15/11

Region: P. J. Daugherty, III, PE Title: ERFOE Date: 3/16/11

AN ORDINANCE TO AMEND SECTION 70-132 ENTITLED "MAXIMUM SPEED LIMITS ON SPECIFIC STREETS – TWENTY FIVE MILES PER HOUR" OF CHAPTER 70 "TRAFFIC AND VEHICLES" OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, pursuant to N.C.G.S. Section 20-141(f), the Board of Alderman of the City of New Bern is authorized to determine and declare a safe and reasonable speed limit for any street within the City's corporate limits that is part of the State highway system based upon an engineering and traffic investigation performed by or at the direction of the North Carolina Department of Transportation; and

WHEREAS, the Board of Aldermen of the City of New Bern desires to declare a safe and reasonable speed limit for streets or sections of streets within the City's corporate limits that are part of the State highway system based upon an engineering and traffic investigation performed by or at the direction of the North Carolina Department of Transportation; and

WHEREAS, the Board of Aldermen of the City of New Bern deems it advisable and in the public interest to amend Section 70-132 of the Code of Ordinances of the City of New Bern to establish speed limits on specific streets or sections of streets within the City's corporate limits, to be effective when the North Carolina Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

SECTION 1. That Section 70-132. "Maximum speed limits on specific streets – Twenty-five miles per hour" of Article III "Operation of vehicles" of Chapter 70 "Traffic and Vehicles" of the Code of Ordinances of the City of New Bern be and the same is hereby amended by removing the following from Section 70-132:

"Broad Street (US 70 Business/NC 55) from Queen Street, a point 0.27 miles west of SR1403, eastward to South Front Street, a point 0.05 miles north of the Trent River Bridge."

SECTION 2. This ordinance shall be in full force and effect upon its adoption and publication, as required by law, and the erection of appropriate signs.

DOT
COPIES

ADOPTED THIS 8th DAY OF MARCH, 2011.

Bernard W. White
MAYOR Pro-Tem

Veronica E. Matlock
CITY CLERK

AASHTO

THE VOICE OF TRANSPORTATION

US Route Numbering Report to the Standing Committee on Highways
Thursday, May 20, 2010 Natchez, Mississippi

Members:

Chair Don Vaughn, AL (Region 2)
Ken Sweeney, ME (Region 1)
Kevin Keith, MO (Region 3)
Cathy Nelson, OR (Region 4)
Marty Vitale, AASHTO (Secretary)

Guest: Michael McGough, Consultant

REPORT

The Special Committee on U.S. Route Numbering convened at 7:00 AM at the Natchez Convention Center. The committee considered 31 applications from 10 states. Actions of the committee are:

State	Proposed Route Change	Description	USRN Decision
Alabama	AL US Alt 331	The route begins at mile marker/post MP 24.445 and from there at the junction of US 331 North of Opp, Alabama southerly to MP 19.451 at the junction of US 84/US 331 south of Opp, Alabama. It is traveling over an existing pathway south near Opp, AL for 4.994 miles and ends at MP 19.451.	Approved
Alabama	AL US ALT 84	The route begins at mile marker/post MP 150.639 at the junction of US 84/US 331 northeast of Opp, Alabama to MP 144.923 at junction of US 84 west of Opp, AL. It travels over an existing pathway south/southwest of Opp, AL for 5.716 miles and ends at MP 144.923.	Approved
Colorado	CO US 50	The route begins at mile Marker 91.878 (existing US 50) traveling from junction of proposed US 550 in Montrose, along San Juan Avenue to junction of existing US 50 (Main Street) east for 1.680 miles and ends at mile marker 93.558 (existing US 50)	Approved
Colorado	CO US 550	Route begins at mile marker 129.257 (junction of CO 90) and travels north from junction of existing US 50 and State Route 90, along Townsend Avenue to junction of existing US 50 and proposed US 50, in Montrose. The length of this route is .953 miles and ends at mile marker 130.210 (junction of US 50)	Approved
Iowa	IA US61 Bus Rte	US 61 Business Route begins at the junction of US61 and I-280 and travels east on West River Drive to the east junction of US67 then north along Brady Street to its junction with I-80. Length is 14.16 miles.	Approved
Iowa	IA US61 Rte	US61 begins at the junction of US 61 and I280 traveling north on I280 to Jct with I80 then east on I80 to Jct with existing US61 on existing interstate going north then east to the city of Davenport for about 12 miles and ends at the jct of I80 and existing US61.	Approved

State	Proposed Route Change	Description	USRN Decision
Kentucky	KY US 62	The route begins on existing US 62 near the intersection with KY 453 northwest of Grand Rivers. US 62 continues across the Tennessee River near the Kentucky Lake Dam and crosses the Livingston County/Marshall County line and intersects with existing US 62 and US 641 at the Kentucky Dam Village State Resort Park. It is a new bridge and approaches over the Tennessee River near the Kentucky Lake Dam in a southwest direction for the new section. The focal points are Grand Rivers and Kentucky Dam Village State Resort Park near Gilbertsville for 2.269 miles. The route ends at the intersection with US 641 near Kentucky Dam Village State Resort Park.	Approved
Kentucky	KY Jessamine US 68	The route begins on existing US 68 near the intersection with KY 1980 then intersects with KY 3375, KY 169 (twice), and then KY 29 and then intersects with existing US 68 west of Nicholasville near the intersection with southbound KY 29 on a new alignment south near Nicholasville for 6.019 miles and ends at the intersection with existing US 68 near the intersection with southbound KY 29 near Nicholasville.	Approved
Kentucky	KY Lincoln Rockcastle US150	The route begins on existing US 150 at the intersection with KY 461, west of Mt. Vernon. US 150 continues and intersects with KY 2108, KY 1250, KY 70, KY 1229, KY 3245, KY 39, KY 643, and KY 1369 and then intersects with existing US 150, west of Crab Orchard all on a new alignment traveling northwest near Crab Orchard, Brodhead, and Mt. Vernon for 6.770 miles. The route ends at the intersection with existing US 150 at the intersection with KY 1369 near Crab Orchard.	Approved
Kentucky	KY Owensboro US431	The route will begin at US 60 (currently US 60 Bypass) in south Owensboro continuing along the existing US 431 route to the Tennessee State Line on an existing pathway - new begin point south within the city of Owensboro removing approximately 3.3 miles and ends at the Tennessee State Line.	Approved
Kentucky	KY Morgan US 460	The route begins on existing US 460 near the intersection with KY 203 and continues and intersects with KY 946 on a new alignment traveling west to Mize and Ezel for 1.464 miles ending near the intersection with KY 772.	Approved
Missouri	MO US-40 to I-64	The routing begins at the interchange at I-70 in St. Charles County, to connect to the existing I-64 that begins at I-270 to the east on an existing pathway, US 40/61 traveling east where it begins in Wentzville, travels through Lake St. Louis, O'Fallon, Dardenne Prairie, Weldon Spring, Chesterfield, Town and Country for approximately 25 miles and ends at the interchange of I-270, St. Louis County.	Approval pending FHWA approval letter
Missouri	MO US-60	Carter Co Project begins just east of Route DD, Shannon County part of the east/west corridor upgrade from 2-lane to 4-lane divided highway facility connecting Joplin to Poplar Bluff primarily along existing alignment, some slight re-alignment in an east direction towards Freemont and Van Buren for approximately 10.2 miles and ends just west of Route C, Carter County.	Approved

State	Proposed Route Change	Description	USRN Decision
Oregon	OR US20	The route begins at mile point 263.9 The intersection of NE 3rd Street with NE Greenwood Avenue. This is also the end of the McKenzie-Bend Highway. It is also the beginning of the Central Oregon Highway (US20) and going through Bend, Oregon on an existing pathway nor to Bend, Oregon for 1.3 miles and ends at route mile point 265.1. Southbound exit from the McKenzie-Bend Highway (US20) (NE 3rd Street) to division Street.	Approved
Oregon	OR US97	The route begins at southbound exit from the Dalles-California Hwy. (US97) to NE 3rd Street at mile point 133.4 through Bend, Oregon on a new alignment south to Bend, Oregon for 6.1 miles and ends at northbound exit from the Dalles-California Hwy. (US97) to SE 3rd Street at mile point 139.5.	Approved
Oregon	OR US97Bus	Route begins at mile point 133.4 southbound exit from the Dalles-California Hwy. (US97) to NE 3rd Street through Bend, Oregon on an existing pathway south through Bend, Oregon for 6 miles and ends at route mile point 139.5. Northbound exit from the Dalles-California Hwy.	Approved
Texas	TX US 271 Relocation	Route US 271 begins at US 67 going southward and southeastward and is traveling over a new alignment south near Mount Pleasant, Texas approximately 3.9 and it ends at the intersection with US 271/BU 271-E (old location of US 271, approximately 1.3 miles north of FM 3417.	Approved
Texas	TX US 271 Recognition of a Business	Route on U.S. Route The route begins at SH 49 and current southern terminus of BU 271 traveling southward on an existing roadway - former location of US 271 in a south direction to Mount Pleasant, Texas for approximately 2.3 and ending at an intersection with new location of US 271 south of Mount Pleasant, approximately 1.3 miles north of FM 3417.	Approved
Texas	TX US 380	Route begins at mile marker 0.321 east of intersection with County Road 1063 southwestward on new location on a new alignment south (this segment) to Greenville, Texas for 0.8 miles and ends at 0.479 mile west of intersection with US69.	Conditional approval to be signed when open to traffic

It was also discussed that USRN information was posted on-line in December 2009 and that it is important for states to ensure accuracy. Information can be accessed through the AASHTO Route Numbering Website. Marty Vitale, committee Secretary will email SCOH members and state contacts requesting this review.

The committee wishes to thank Marty Vitale for her hard work and support of the work of this committee.

Submitted by D.W. Vaughn, Chair (Alabama)

May 20, 2010



American Association of State Highway and Transportation Officials

Please save and send as a word file. You can attach a map in PDF or JPG with the application to

usroutes@aaashto.org (M.Vitale)

An Application from the State Highway or Transportation Department of North Carolina for:

- ☒ Elimination of a U.S. (**Interstate**) Route
- ☐ Establishment of a U.S. (**Interstate**) Route
- ☐ Extension of a U.S. (**Interstate**) Route
- ☐ Relocation of a U.S. (**Interstate**) Route
- ☐ Establishment of a U.S. Alternate Route
- ☐ Establishment of a Temporary U.S. Route
- ☐ **Recognition of a Business Route on U.S. (**Interstate**) Route
- ☐ **Recognition of a By-Pass Route on U.S. Route

US 70 Bus

AASHTO Use Only

Date received:

Date to Special Committee on U.S. Route Number:
Date Presented to Standing Committee on Highways (SCOH):

Action taken by SCOH:

Member Department Notified:

Between **US 17 / US 70** and **US 17/ US 70/ NC 55**

The following states or states are involved:

North Carolina

- ***"Recognition of..."A local vicinity map needed on page 3. On page 6 a short statement to the effect that there are no deficiencies on proposed routing, if true, will suffice.
- If there are deficiencies, they should be indicated in accordance with page 5 instructions.
- All applications requesting **Interstate** establishment or changes are subject to concurrence and approval by the FHWA

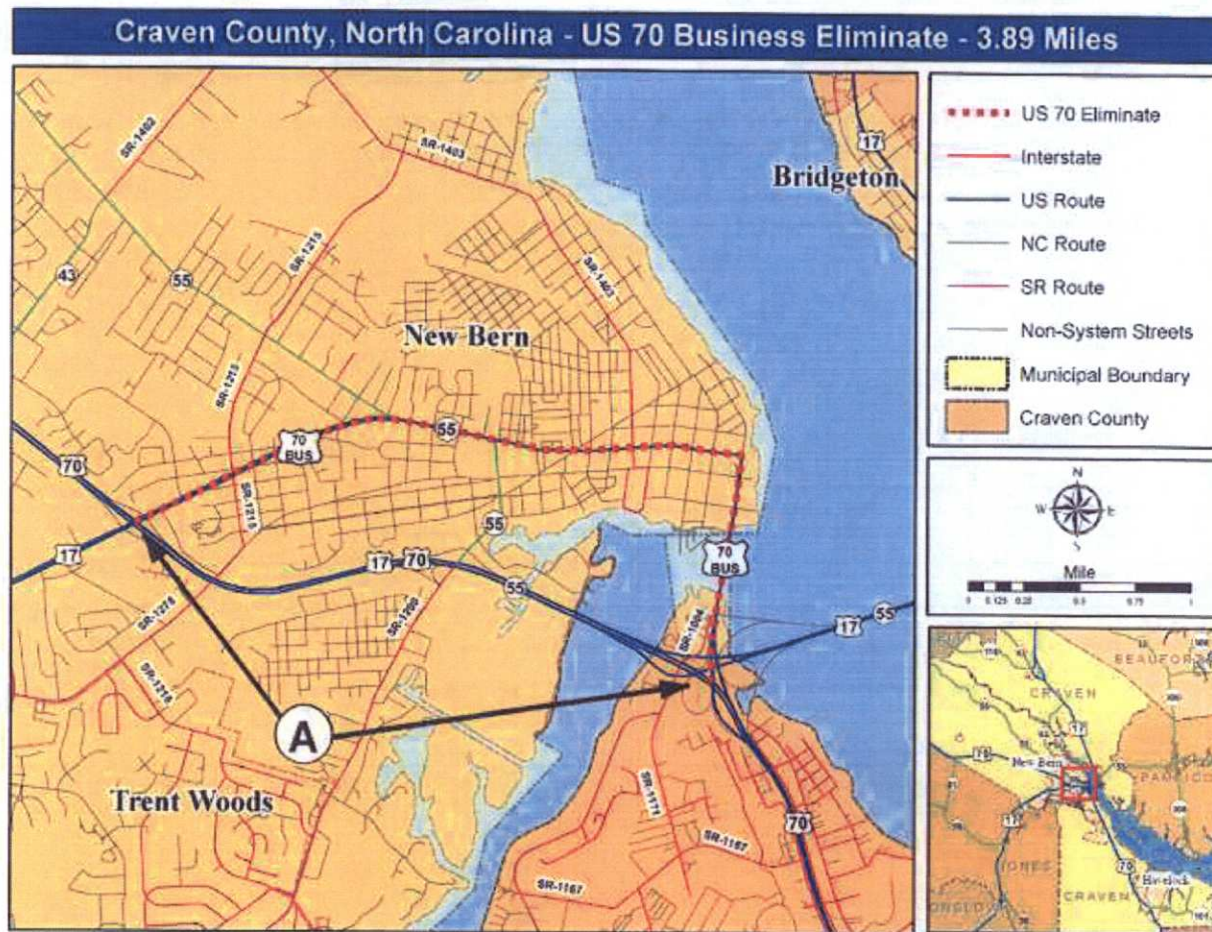
DATE SUBMITTED: April

SUBMIT APPLICATION ELECTRONICALLY TO usroutes@aaashto.org

***U.S. Bicycle Route System**: this form is not applicable for US Bicycle Route System see new form.

Map of state, or portion thereof, indicating proposed addition or change in the (This includes US and Interstates) U.S. Numbered or Interstate Numbered System:

There are two ways to do this follow the instructions below or convert your map in PDF format and submit as a separate document along with this application to usroutes@ashto.org. It is your preference, however all files are converted to PDF once received by AASHTO.



(Indicate termini and control points on the map for the route, and number them in sequence. Use the same numbers in column 1 tabulation, page 6, when listing mileage. **Towns, cities, major highway intersections and state lines to be used as control points.** The top of column 1, page 6, will be one terminus, and column 1 will give the log of the route as needed to describe the route in the Association publication *U.S. Numbered Highways* if the application is approved by the Standing Committee on Highways.)

(US and Interstates Only)

Instructions for Preparation of Page 6

Column 1: Control Points and Mileage. Top of column is one terminus of road. Indicate control points by identical number as shown on map on page 3. Show mileage between control points in miles and tenths.

Column 2: Pavement Type.	Code
High type, heavy duty	H
Intermediate type	I
Low type, dustless	L (show in red)
Not paved	N (show in red)

Column 3: Pavement Condition	Code
Excellent	E
Good	G
Fair	F (show in red)
Poor	P (show in red)

NOTE: In columns 2 and 3, where pavements types and conditions change, the location of the change shall be indicated by a short horizontal line at the proper place opposite the mileage log and the proper code letter (shown above) shall be entered in the respective column between the locations so indicated.

Column 4: Traffic. Indicate average daily traffic volumes in this column. Points of changes in these data to be indicated by short horizontal lines opposite the appropriate mileage point on the mileage log. Any existing main line rail crossing that is not separated shall be indicated at the appropriate mileage point by RXR - black if signalized - red if not protected by signals.

Columns 5 & 6 Pavement Width and Shoulder Width. These columns to be completed by comparing standards of highway involved with applicable AASHTO standards. Entries that fall to the right of the tolerance lines (dashed) should be shaded in red. If there are no deficiencies indicate by use of the word NONE.

Columns 7 & 8 Major Structures. Show in these columns those structures that do not meet AASHTO standards. Show by horizontal line sufficiently long to indicate percentage of deficiency. Portion on right of tolerance line shall be shown in red. Indicate length of structure in feet immediately under the line. Any sub-standard highway underpass structure shall be shown opposite the appropriate mileage point by the designation LP with the vertical clearance in feet following and shown in red. If there are no deficiencies indicate by the use of the word NONE.

Column 9: Vertical Sight Distance. Items to be shown in this column as a horizontal line, the length of which will indicate the deficiency as determined in accordance with comparisons with comparable AASHTO standards. Portions of the line past the tolerance line shall be shown in red.

Column 10: Horizontal Curvature. Curves in excess of AASHTO applicable standards to be shown in this column by a short horizontal line with degree of curve shown immediately above the line. To be shown in red.

Column 11 Percent Grades. Show by horizontal lines opposite proper mileage point on mileage log. Show percent of grade above the line and length of grade in feet immediately below. To be shown in red.

What follows is an Excel worksheet that you can open by right clicking your mouse and select "Worksheet Object" – you can then Edit, Open or Convert but you must first unlock the form as show when inserting maps.

(Contact person regarding this application:

Name: Thomas Schroeder

Address: 3401 Carl Sandburg Ct., Raleigh, NC 27610

Telephone Number: 919-212-6090

Fax Number: 919-212-5999

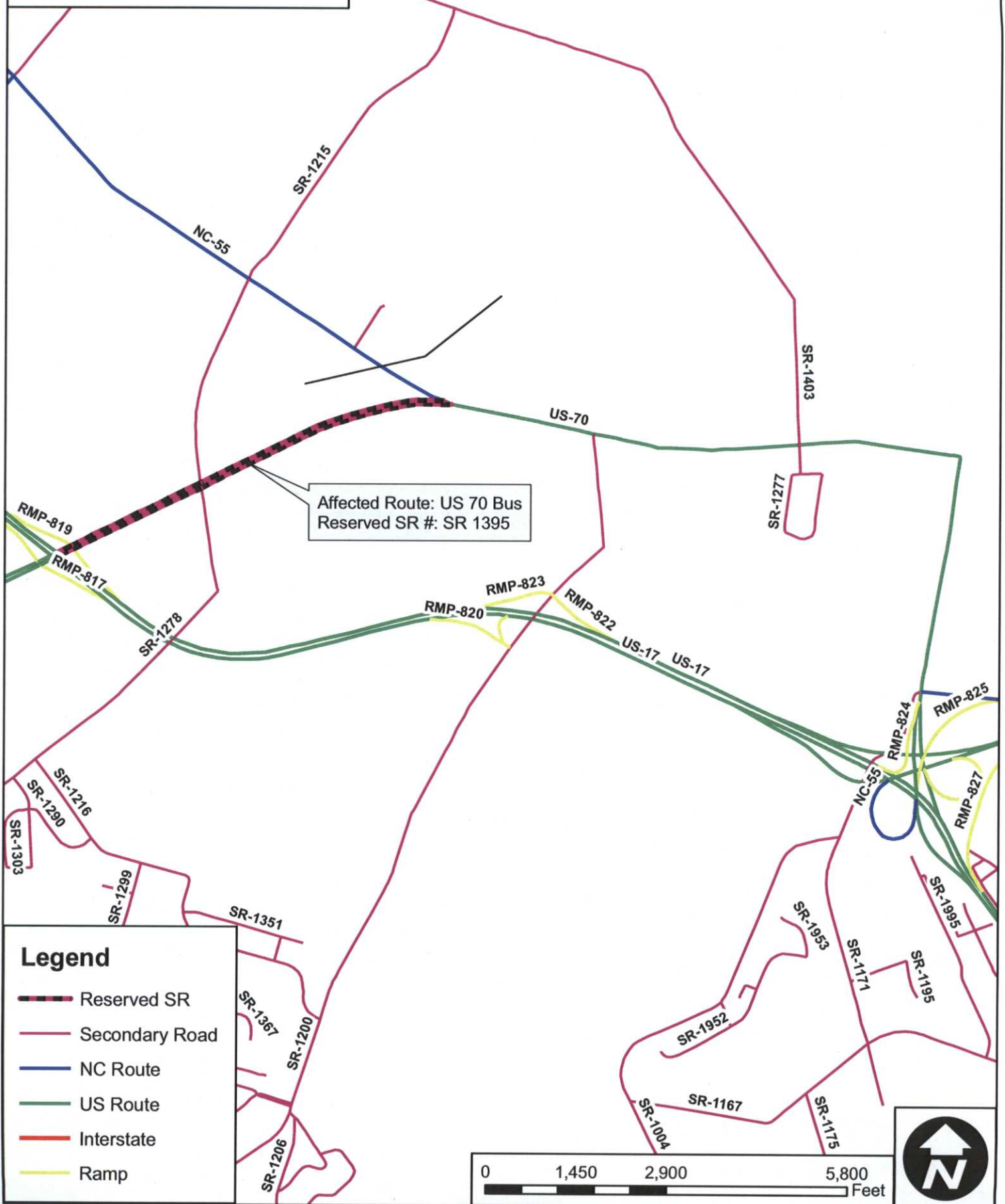
Email Address: tschroeder@ncdot.gov

Description to be provided to the AASHTO Highways Special Committee on US Route Number (USRN) when they review this application:

- Where does the route begin? (Intersection or Mile Marker)
The route begins at the intersection of US 17 and US 70 west of downtown New Bern.
- Describe where it is going?
The route travels east through New Bern.
- What type of facility is it traveling over? (New alignment or over an existing pathway)
Existing alignment
- Give the direction of travel(north, east, south, and west)
East
- Name the focal point city or cities
New Bern, North Carolina
- Length of route in miles.
3.89 Miles
- Where does it end? (Terminal intersection or mile marker)
The route ends south of New Bern at US 17/70 – NC 55.

Date: 07/01/2010 Affected Route: US 70 Bus

Date: 07/01/2010 Affected Route: US 70 Bus





STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

LYNDO TIPPETT
SECRETARY

September 22, 2005

In Reply Refer To
File No.: 02-05-208

MEMORANDUM

To: A. D. Wyatt, P.E.
Traffic Safety Programs Engineer

From: P. H. Daughtry, III, P.E. *PHD3*
Eastern and OBX Regional Traffic Engineer

Subject: Route Change Request - Craven County

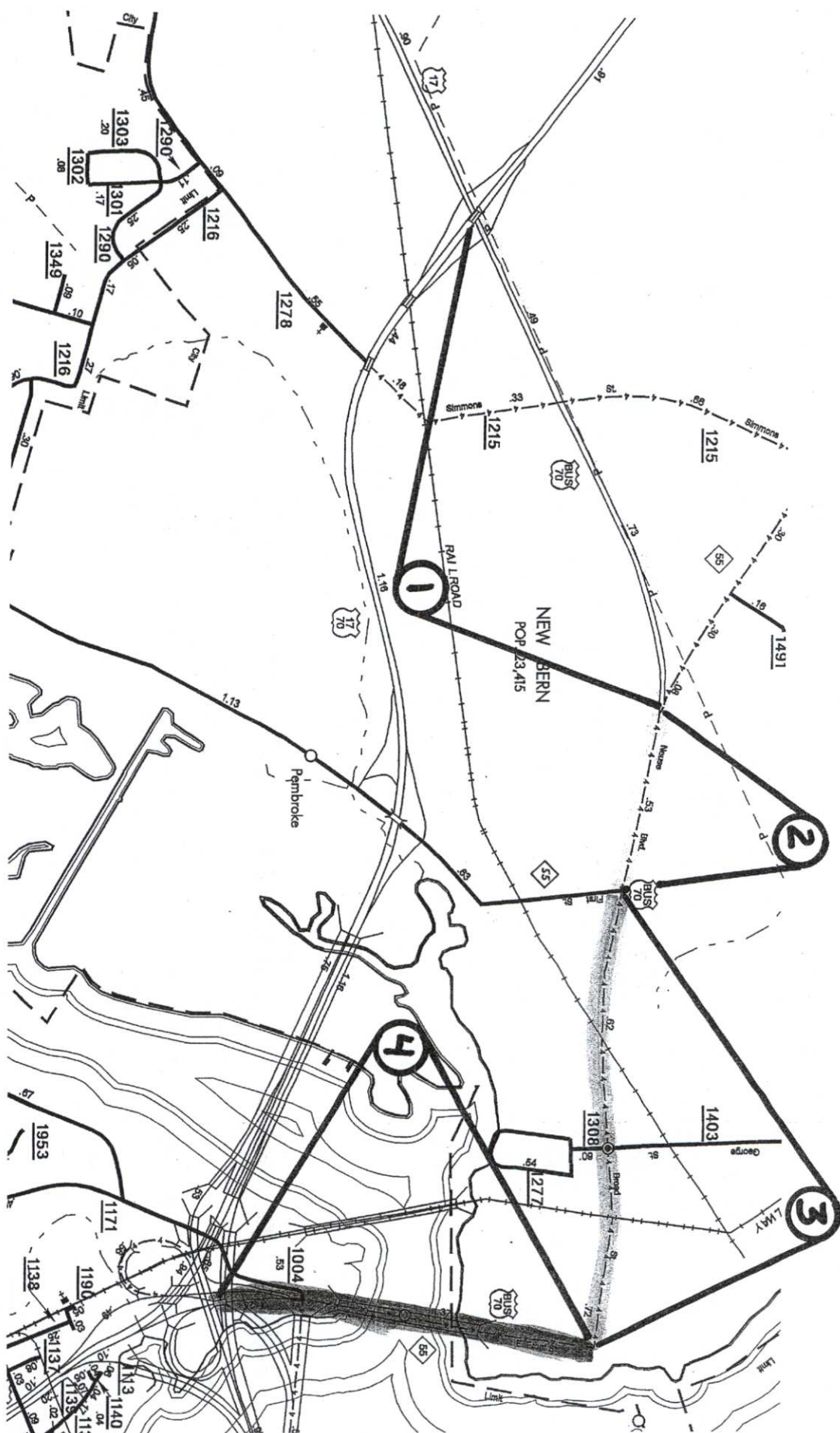
Please find attached the requested route changes in New Bern, Craven County. These changes are required due to the City taking over maintenance of Broad and E. Front Streets.

If you have any questions or need additional information, please advise.

Attachments

PHD3:hd

cc w/ Att.: J. K. Lacy, P.E.
C. E. Lassiter, P.E.
T. M. Hopkins, P.E.
D. H. Alligood, P.E.
S. J. Hamilton, P.E.
C. B. Millikin



cc: J. Metcalfe

Ed



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

September 29, 2008

Mayor Tom Bayliss
City of New Bern
P. O. Box 1129
New Bern, NC 28563

Dear Mr. Bayliss:

Enclosed is a signed original of the Municipal Agreement between DOT and the City of New Bern covering the improvement of US 70 Business (Broad Street) from US 70 Business (East Front Street) to SR 1200 (1st Street) in New Bern, Craven County.

Please contact the Division Construction Engineer Ed Eatmon in the Greenville office at 252-830-3490 if you have any questions or need more information.

Sincerely,

A handwritten signature in dark ink that reads "C. E. Lassiter, Jr." followed by a circled "US".

C. E. Lassiter, Jr., PE
Division Engineer

CEL/vws

Enclosure

cc: B. E. Eatmon, PE
D. H. Alligood, PE
B. A. Caldwell

to participate in certain costs thereof in the manner and to the extent as hereinafter set out and has further agreed to the establishment and maintenance of certain traffic operating controls as hereinafter set out.

NOW, THEREFORE, in consideration of the premises and the benefits accruing to the Department and the Municipality as the result of the construction of Project U-4755, Craven County, it is agreed as follows:

1. The Department shall be responsible for the preparation of the environmental and/or planning document, including any environmental permits, needed to construct the project. All work shall be done in accordance with Departmental procedures and guidelines.

2. The Department shall be responsible for the design of the project plans and specifications for the project. All work shall be done in accordance with Departmental standards and specifications.

3. The Municipality, except as set out in Paragraph 4 hereinbelow, shall perform, or cause to be performed, the work hereinafter set out when the same shall become necessary by reason of the construction or relocation of streets or sidewalks, or by reason of the widening or improvement thereof; said work to be performed, or provision made therefor, in a manner satisfactory to the Department prior to beginning construction of the project herein referred to:

(A) The Municipality, without expense to the Department, shall exercise any rights which it may have under any franchise to effect all necessary changes, adjustments, and relocations of telephone, telegraph, and electric power lines; underground cables, gas lines, and other pipelines or conduits; or any privately- or publicly-owned utilities.

(B) The Municipality, without cost or obligation to the Department, except as set out in Paragraph 5 hereinbelow, shall lay, change, relay, repair, and otherwise adjust any municipally-owned electric, water, sewer, and gas lines, and any other pipelines or conduits; and shall make all necessary adjustments to house or lot connections or services lying within the right of way or construction limits, whichever is greater, of the project, whether said connections or services are owned by the Municipality or by others. The Municipality shall make every effort to promptly

~~with~~ and all right-of-way needs. If the bids exceed the amount of obligation by the Department, the City shall be given an opportunity to reexamine the scope of the project and reduce said scope prior to the award of the project and delay the commencement of Project U-4755, as defined herein, until such time as additional NCDOT funds become available. By reducing the scope of the project U-4755, thereby dividing project into two or more phases, the City recognizes and agrees, that the initial phase of the re-scoped project may not be completed by December 2009.

10. It is agreed that, upon completion and acceptance of the Department's TIP Projects B-2532 and U-4755, as defined herein, and pending Board of Transportation approval, the Department shall remove from the State Highway System and transfer the ownership of the Alfred Cunningham Bridge, identified as TIP Project No. B-2532 and the approaches, East Front Street (from Broad Street to the Alfred Cunningham Bridge) and Broad Street (US 70 Business from East Front Street to First Street), identified as TIP Project No. U-4755 to the City of New Bern's municipal street system. It is further agreed that the Municipality shall assume all maintenance activities and liability responsibilities and shall establish, maintain and enforce traffic operating controls in accordance with the Maintenance Agreement that was executed between the Department of Transportation and the City of New Bern on March 21, 2006.

11. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

12. The Municipality shall certify to the Department compliance with all applicable Federal environmental laws and regulations and ordinances and shall indemnify the Department against any fines, assessments or other penalties resulting from noncompliance by the Municipality or any entity performing work under contract with the Municipality.

IT IS UNDERSTOOD AND AGREED that the approval of the project by the Department is subject to the conditions of this Agreement and that no expenditure of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.

COPY OF A RESOLUTION PASSED BY THE BOARD OF ALDERMEN
OF THE CITY OF NEW BERN, NORTH CAROLINA

A motion was made by Alderman Lee and seconded by Alderman Mattingly for the adoption of the following Resolution, and upon being put to a vote was duly adopted.

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements of US 70 Business (Broad Street) from US 70 Business (East Front Street) to SR 1200 (1st Street) in New Bern; and,

WHEREAS, said Department of Transportation and this Municipality propose to enter into an Agreement for the above-captioned project whereby this Municipality agrees; (1) to effect the necessary adjustment of any utilities under franchise without cost to the Department of Transportation, and (2) to provide for the adjustment of any municipally-owned utilities without cost to the Department of Transportation, except that said Department will reimburse this Municipality in accordance with said Department's Municipally-Owned Utility Policy; and,

WHEREAS, the Department agrees to acquire the right of way and construct the project in accordance with the approved project plans, and,

WHEREAS, the Agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

NOW, THEREFORE, BE IT RESOLVED that Project U-4755, Craven County, is hereby formally approved by the City Council of the City of New Bern and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

I, Vickie H. Johnson, Clerk of the City of New Bern, do hereby certify that the foregoing

is a true and correct copy of the excerpts from the Minutes of the meeting of the

Board of Aldermen duly held on the 22 day of April, 2008.

WITNESS, my hand and the official seal of said Municipality on this the 23 day of

April, 2008.

SEAL

Vickie H. Johnson
CLERK
CITY OF NEW BERN
NORTH CAROLINA



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FILE

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

April 7, 2006

Mayor Tom Bayliss
City of New Bern
P. O. Box 1129
New Bern, NC 28563

Dear Mr. Bayliss:

Enclosed is a signed copy of the Maintenance Agreement between DOT and the City of New Bern covering the transfer of ownership of the Alfred Cunningham Bridge and Broad Street in New Bern, Craven County.

Please contact the Division Project Engineer Johnny Metcalfe in the Greenville office at 252-830-3490 if you have any questions or need more information.

Sincerely,

C. E. Lassiter, Jr.
(25)

C. E. Lassiter, Jr., PE
Division Engineer

CEL/vws

Enclosure

cc: Ed Eatmon, PE
Dwayne Alligood, PE
John Rouse, PE
Johnny Metcalfe, PE

NORTH CAROLINA
CRAVEN COUNTY

2/16/06

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

MAINTENANCE AGREEMENT

AND

CITY OF NEW BERN

THIS AGREEMENT, made and entered into this the ^{2/5th}~~28th~~ day of ^{March}~~February~~, 2006, between the DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina, hereinafter referred to as the Department, and the CITY OF NEW BERN, a municipal corporation, hereinafter referred to as the Municipality.

WITNESSETH:

WHEREAS, the Municipality has requested the Department transfer the ownership of the Alfred Cunningham Bridge, approaches, East Front Street (from Broad Street to the Alfred Cunningham Bridge), and Broad Street (US 70 Business from East Front Street to First Street) to their Municipal Street System; and,

WHEREAS, the Department has agreed to transfer the ownership of the Alfred Cunningham Bridge, approaches, East Front Street, and Broad Street to the Municipality; and,

WHEREAS, upon transfer of the bridge from the Department to the City, the Municipality, in accordance with Section 106 of the National Historic Preservation Act, agrees to follow the proper avenues and receive approval by the State Historic Preservation Office in order to mitigate the effects of any necessary repairs, etc. on historic properties within the City of New Bern; and,

given an opportunity to reexamine the scope of the project and reduce said scope prior to the award of the project.

5. In the replacement of the Alfred Cunningham Bridge, the Department will incur the costs of the replacement of the existing structure with a new structure that satisfies the needs of the existing navigable boat traffic currently passing through the structure. The municipality recognizes the Department's budget constraints for the bridge replacement (TIP Project No. B-2532) with a project cost of \$25.7 million. The Department shall cooperate with and seek input from the Municipality regarding the design and replacement of the Alfred Cunningham Bridge.

6. The Municipality shall comply with all Coast Guard rules and regulations regarding the operation of drawbridges, specifically including the provision of qualified operators for the opening and closing of the drawbridge, at its sole cost and expense. In the event the Municipality contracts with an independent company to provide said service, it will be the Municipality's responsibility to ensure that the contractor adheres to all state and federal guidelines for maintaining the safety and integrity of the structure and roadway.

7. Upon transfer of the bridge from the Department to the Municipality, the Municipality shall assume all maintenance operations to the lighting of the bridge and release the Department from all liability. Maintenance of the lighting of the bridge shall include but not be limited to the repair and replacement of foundations, supports, poles and fixtures. The Municipality shall also be responsible for providing electrical service for the bridge lighting, and for paying bills for the lighting of the bridge, at no expense to the Department.

be in accordance with the approved project plans and the Manual on Uniform Traffic Control Devices for Streets and Highways published by the Federal Highway Administration.

13. The Municipality shall be responsible for the proper maintenance of the completed improvements and for the costs thereof. However, in the event the Municipality fails to maintain or to provide for the proper maintenance and operation of the completed improvements, the Municipality hereby authorizes the Department to maintain the improvements and deduct the costs thereof from allocations made to the Municipality under the provisions of the North Carolina General Statutes, Section 136-41.1.

14. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.

15. The Municipality shall cooperate with all appropriate authorities regarding the controlling or closing of the bridge for the purpose of protecting the public and furthering public safety.

16. During construction of the bridge and roadways described herein, the Municipality shall work with the Department in addressing all concerns and/or complaints from adjoining agencies and/or property owners. After transfer of the same from the Department to the Municipality, the Municipality shall be responsible for addressing all concerns and/or complaints from adjoining agencies and/or property owners.

17. The Municipality agrees to provide appropriate access to the Corps of Engineers for maintaining navigation of the river's channel in accordance with the terms of

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given, as evidenced by the attached certified copy of resolution, ordinance or charter provision, as the case may be.

L.S.

ATTEST:

BY: Vickie H. Johnson

TITLE: City Clerk CMC

(MUNICIPAL SEAL)

CITY OF NEW BERN

BY: [Signature]

TITLE: Mayor

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Mary B. Musaglia
Municipal Finance Officer

Federal Tax Identification Number

56-6000235
City of New Bern

Remittance Address:
City of New Bern

Danny Meadows
PO Box 1129
New Bern NC 28563

DEPARTMENT OF TRANSPORTATION

[Signature]
STATE HIGHWAY ADMINISTRATOR

APPROVED AS TO FORM:

BY: [Signature]

ASSISTANT ATTORNEY GENERAL